

Michael R McLane
mmclane@lynchmurphy.com
Lynch Murphy McLane LLP
1000 SW Disk Dr
Bend, OR 97702
Telephone: (541) 383-5857

Matthew A Wand
matt@wandlegal.com
Wand Legal LLC
1000 SW Disk Dr
Bend, OR 97702
Telephone: (503) 680-8180

Attorneys for Amicus

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC., et
al.,

Plaintiffs,

v.

KATE BROWN, et al.,

Defendants.

Case No. 2:22-cv-01815-IM (*Lead Case*)
Case No. 3:22-cv-01859-IM (*Trailing Case*)
Case No. 3:22-cv-01862-IM (*Trailing Case*)
Case No. 3:22-cv-01869-IM (*Trailing Case*)

CONSOLIDATED CASES

**DECLARATION OF EDWARD MAY IN
SUPPORT OF *AMICUS CURIAE*
OREGON HUNTERS ASSOCIATION
AND DUCKS UNLIMITED
MEMORANDUM IN SUPPORT OF
PRELIMINARY INJUNCTION**

MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

(caption continued on next page)

KATERINA B. EYRE, TIM FREEMAN,
MAZAMA SPORTING GOODS, NATIONAL
SHOOTING SPORTS FOUNDATION, and
OREGON STATE SHOOTING ASSOCIATION,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, Attorney General of
Oregon, and TERRI DAVIE, Superintendent of
the Oregon State Police,

Defendants.

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

I, Edward May, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this Declaration on behalf of Amicus Curiae.

2. I am an Oregon resident and retired from a 26-year career in law enforcement. Currently, I am a Ducks Unlimited Regional Vice President overseeing Oregon, Washington, Alaska and Idaho. About 20 years ago, I first joined a Ducks Unlimited fundraising committee in Oregon. I have continued my volunteer work with Ducks Unlimited since that time as a District Chairman (supervising three chapters), Oregon State Chairman, and At-Large Board Member. There are over 8,000 Ducks Unlimited members in Oregon including 251 minors.

3. Ducks Unlimited (“DU”) was founded in 1937 by a small group of sportsmen who were concerned with declining waterfowl populations resulting from long-term drought in North America. DU has grown substantially in membership in the United States, and it now has sister organizations in Canada and Mexico. Its primary mission is waterfowl habitat conservation, and DU has conserved more than 15 million acres across North America. DU has completed projects in every US State, Canadian Province, and in key areas of Mexico.

4. Waterfowl hunters are at the core of DU. Oregon has a long history involving waterfowl hunting, from Native Americans to Lewis and Clark. Today, becoming a waterfowl hunter is an uphill battle. A new waterfowl hunter must acquire clothing and gear and a hunting shotgun (which by regulation can only hold three shells); however, the 50,000 person backlog created by Measure 114 makes this all but impossible.

5. A new youth hunter in Oregon must register and pay for a state-supervised Hunter Safety Training that is very thorough and covers safe handling of weapons and live field components, along with waterfowl identification training and ethics. In addition, the licensing includes state licenses and permits as well as federal stamps (which are not required for other game in Oregon), which fees (in part) fund conservation efforts and habitat.

6. Measure 114 requires a new hunter to register and pay for an additional and redundant training program that has not yet been established. The state is not currently equipped to offer the training because there is no funding, not enough instructors, no training facilities, or time to make the transition effective. This will result in fewer new hunters, less waterfowl hunting, and a significant decrease in conservation funding.

7. Currently, the uncertainty surrounding Measure 114's implementation coupled with the State's inability to comply with its requirements with the background check backlog and Permit to Purchase system being entirely unavailable has essentially halted legal gun sales in the State of Oregon. The loss of new waterfowl hunters will impact the multi-generational nature of this outdoor recreational activity. Many hunters learn and hunt with family, which is the easiest entry into the sport. By stopping or impeding new hunters even for a brief time, the entire sport is threatened long-term.

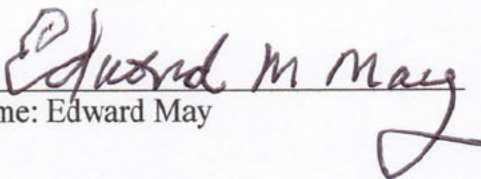
8. I am aware of the Pittman-Robertson Federal Wildlife Restoration Act and its excise tax on all weapons and ammunition that is used to fund conservation efforts. The loss of sales will harm conservation efforts by reduced revenue and fewer hunters will harm rural economies that rely in part on hunters from outside their communities. DU receives Pittman-Robertson funding to support its conservation mission and delivery model.

9. DU fundraising activities include events that promote raffles and auctions of firearms. I estimated that 50% of our event attendees participate in firearm raffles and auctions. In Oregon, up to \$750,000 in conservation funding from DU events alone is at risk from Measure 114. As a participant at fundraisers for other organizations, I know that DU is not alone using such raffles and auctions to raise money for charitable work.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on January 9, 2023

By:


Name: Edward May

CERTIFICATE OF SERVICE

In accordance with Fed. R. Civ. P. 5(b)(2)(E) and LR5-1, I hereby certify that on January 11, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

DATED this 11th day of January 2023.

LYNCH MURPHY MCLANE LLP

/s/ Michael R. McLane

Michael R McLane, OSB No. 904435

1000 SW Disk Dr

Bend, OR 97702

(541) 383-5857

mmclane@lynchmurphy.com

WAND LEGAL LLC

/s/ Matthew A. Wand

Matthew A Wand, OSB No. 004189

1000 SW Disk Dr

Bend, OR 97702

(541) 383-5857

matt@wandlegal.com

Attorneys for Amicus